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101ST CONGRESS
2d Session

SENATE

REPORT
101-423

ESTABLISHING THE MISSISSIPPI RIVER CORRIDOR STUDY COMMISSION

AUGUST 3 (legislative day, JULY 10), 1990.—Ordered to be printed

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Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 2174]

The Committee on Energy and Natural Resources, to which was referred the act (H.R. 2174) to provide for the establishment of the Mississippi River Corridor Study Commission, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 2174, as ordered reported, is to establish the Mississippi River Corridor Study Commission to study and make recommendations regarding the feasibility of designating the Mississippi River corridor as a National Heritage Corridor.

BACKGROUND AND NEED

The Mississippi River flows over 2,500 miles from its headwaters at Lake Itasca in Minnesota until it empties into the gulf of Mexico. The river flows through 10 States and is bordered on both sides by significant historical, scenic, recreational, economic and natural resources. The river's watershed drains nearly two-thirds of the United States. Included within the river corridor are approximately 1,583 historic sites, 217 wildlife areas, 90 historic landmarks, 72 State parks and 288 communities. Since the discovery of the river in 1541 by the Spanish explorer Hernando de Soto, the Mississippi River has continued to play an important role in the region's exploration, development and commerce.

39-010

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There are currently three designated National Heritage Corridors: the Blackstone River in Rhode Island and Massachusetts, the Illinois and Michigan Canal corridor in central Illinois, and the Lehigh Canal corridor in Delaware. Establishment of the Mississippi River Corridor Study Commission would enhance national awareness of this region without requiring Federal land acquisition or Federal controls.

H.R. 2174, as ordered reported, does not designate the Mississippi River corridor as a National Heritage Corridor; rather the bill creates a temporary Commission to determine the feasibility of establishing such a corrdior.

LEGISLATIVE HISTORY

H.R. 2174 passed the House of Representatives by a voice vote on June 12, 1990. A Senate companion measure, S. 2612, was introduced on May 11, 1990, by Senator Breaux and the other 19 Senators representing the 10 States bordering the Mississippi River. The Subcommittee held a hearing on S. 2612 on June 26, 1990.

At the business meeting on July 25, 1990, the Senate Committee on Energy and Natural Resources ordered H.R. 2174 favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on July 25, 1990, by a unanimous vote of a quorum present, recommends that the Senate pass H.R. 2174 as described herein.

The roll call vote on reporting the measure was 17 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman [1]	
Mr. Wirth	
Mr. Conrad	
Mr. Heflin	
Mr. McClure	
Mr. Hatfield [1]	
Mr. Domenici	
Mr. Wallop [1]	
Mr. Murkowski	
Mr. Nickles	
Mr. Burns	
Mr. Garn [1]	
Mr. McConnell	

[1] Indicates voted by proxy.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the Act the "Mississippi River Corridor Study Commission Act of 1989.".

Section 2 contains the Congressional findings.

Section 3 defines certain terms used in the Act.

Section 4 establishes the Mississippi River Corridor Study Commission.

Section 5 sets forth the duties of the Commission. Subsection (a) provides that the Commission is to study and make recommendations regarding: the feasibility of creating a Mississippi River National Heritage Corridor for the Mississippi River Corridor; and the preservation, protection, enhancement, enjoyment, and utilization of the historic, economic, natural, recreational, scenic, cultural, and scientific resources of the Corridor.

Subsection (b) described consultation and information collection procedures the Commission is to follow in conducting the study.

Subsection (c) provides that the Commission shall prepare a report containing the results of the study conducted under subsection (a). The subsection also identifies several specific subjects the report is to address.

Section 6 describes how the Commission is to be organized. Subsection (a) provides that the Commission is to consist of 15 members including: the Director of the National Park Service; the Secretary of Transportation; the Secretary of Commerce; the Director of the United States Fish and Wildlife Service; the Chief of the Army Corps of Engineers; and one member from each Mississippi River State appointed by the Governor of such State from among the members of the State's Mississippi River Parkway Commission.

Subsection (b) requires that the Commission members be appointed within 45 days after the date of enactment of this Act.

Subsection (c) provides that vacancies on the Commission shall be filled in the same manner in which the original appointment was made.

Subsection (d) states that members of the Commission shall be appointed for the duration of the Commission.

Subsection (e) provides that Commission members shall serve without pay.

Subsection (f) allows for Commission members to be reimbursed for per diem and travel expenses while away from their homes on official Commission business.

Subsection (g) states that nine members of the Commission shall constitute a quorum. Members of the Commission are authorized to vote by proxy.

Subsection (h) directs the Commission members to elect a Chairperson from among their members at the first meeting of the Commission.

Subsection (i) provides that the Commission is to meet at the call of the Chairperson or a majority of the Commission members. The Commission is required to hold its first meeting not later than 30 days after the members of the Commission are appointed. The Director of the National Park Service is to serve as the temporary Chairperson until a permanent Chairperson is appointed.

Section 7 provides for the staffing of the Commission. Subsection (a) allows the Commission to appoint and fix the pay of such staff as the Commission considers appropriate, subject to certain restrictions.

Subsection (b) authorizes the Commission to procure temporary and intermittent services.

Subsection (c) states that the Commission may accept the services of personnel detailed from a Mississippi River State or subdivision thereof, and that the Commission may reimburse such State or subdivision for the services.

Subsection (d) provides that upon the request of the Commission, the head of any Federal agency may, on a reimbursable basis, detail personnel to assist the Commission in carrying out its duties.

Section 8 details the powers of the Commission. Subsection (a) provides that the Commission may hold hearings, take testimony, and receive evidence as the Commission considers appropriate.

Subsection (b) states that any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take.

Subsection (c) authorizes the Commission to use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

Subsection (d) directs the Administrator of the General Services Administration to provide, on a reimbursable basis, such administrative support services as the Commission may request.

Section 9(a) requires the Commission to submit, not later than 2 years after the date of the first meeting of the Commission, an interim report to the President, the Congress, and the Governor of each Mississippi River State describing the progress of the Commission in carrying out its duties.

Subsection (b) states that the Commission is to submit a final report within 3 years after the date of its first meeting.

Section 10 provides that the Commission shall cease to exist 90 days after the submission of the final report pursuant to section 9(b).

Section 11 grants the consent of Congress to any negotiation by any Mississippi River State with any other such State for proposed interstate agreements or compacts among such States in furtherance of the purposes of this Act.

Section 12 authorizes the appropriation of $500,000 for each fiscal year in which the Commission is in existence.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC August 1, 1990.

Hon. J. BENNETT JOHNSTON, JR.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 2174, the Mississippi River Corridor Study Commission Act of 1989.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill Number: H.R. 2174,

2. Bill Title: Mississippi River Corridor Study Commission Act of 1989.

3. Bill Status: As ordered reported by the Senate Committee on Energy and Natural Resources, July 25, 1990.

4. Bill Purpose: H.R. 2174 would establish the Mississippi River Study Commission charged with studying the feasibility of creating a Mississippi River National Heritage Corridor and making recommendations. The act specifies that the commission would have 15 members who would serve with out pay, and such staff as the commission considers appropriate. The commission would be require to submit an interim report within two years after its first meeting and a final report within three years.

H.R. 2174 would authorize the appropriation of $500,000 per year for each year in which the commission is in existence. The bill further directs that the commission will expire within 90 days after submitting its final report.

5. Estimated cost to the Federal Government:

[By Fiscal year, in millions of dollars]

1991	1992	1992	1993	1994	1995
Authorization level	0.5	0.5	0.5	0.5	
Estimated Outlays	0.5	0.5	0.5	0.5	

The cost of this act fall within budget function 300.

Basis of estimate: CBO assumed that the full amounts authorized would be appropriated for each year of the commission's esxistence. We also assumed that the commission's first meeting would be in fiscal year 1991 and that the final report would be issued in fiscal year 1994. Outlay estimates are based on historical spending rates for similar activities.

6. Estimated cost to state and local governments: None.

7. Estimate comparison: None.

8. Previous CBO Estimate: None.

9. Estimate Prepared by: Deborah Reis (226–2860).

10. Estimate approved by: C.G. Nuckols (For James L. Blum, Assistant Director for Budget Analysis).

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 2174. The Act is not a regulatory measure in the sense

of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 2174, as reported.

EXECUTIVE COMMUNICATIONS

On June 13, 1990, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on S. 2612. On June 15, 1990, the Committee requested legislative reports from the Army Corps of Engineers and the Department of Commerce. These reports had not been received at the time the report on H.R. 2174 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF MR. JAMES M. RIDENOUR, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, it is a pleasure to appear before this Committee today to discuss S. 2612, a bill to establish a commission to determine the feasibility of designating the Mississippi River as a national heritage corridor.

Mr. Chairman, we oppose enactment of S. 2612.

S. 2612, if enacted, would establish a commission known as the Mississippi River Corridor Study Commission consisting of 15 members to be appointed not later than 45 days after the effective date of this Act, including the Directors of the National Park Service and the U.S. Fish and Wildlife Service, the Secretaries of Transportation and Commerce, and the Chief of the Army Corps of Engineers, or their designees. An additional 10 members, to serve without compensation, would be appointed by the Governors of each of the States bordering the Mississippi River. Following consultation with a variety of Federal, State and private organizations and the gathering of information concerning the historic, economic, recreational, scenic, cultural, and scientific resources and their potential utilization, the Commission would prepare a report, including recommendations, specifying the results of the study regarding the feasibility of creating a Mississippi River National Heritage Corridor and the preservation, protection, enhancement, enjoyment, and utilization of the resources of the corridor consistent with the purposes of the bill. The corridor would include the 10 States bordering the Mississippi River.

The bill is silent on such things as funds to be authorized for appropriation to carry out its purposes, to whom the report is to be delivered, and the timeframe in which the report is to be completed. Purposes to be accomplished

by enactment of S. 2612 must be inferred from section 2, entitled "Findings."

The report which would be required pursuant to subsection 5(c) of S. 2612 would contain:

A. a description of and proposed boundaries of a Mississippi River National Heritage Corridor if so recommended, showing both primary and secondary zones;

B. an inventory and assessment of the historic, economic, natural, recreational, scenic, cultural, and scientific resources of the Corridor;

C. specific preservation and interpretation goals and a priority timetable for their achievement;

D. proposed alternative management strategies whereby funds, data, personnel, and authorities of public and private entities may be combined and coordinated in furtherance of the purposes of this Act;

E. proposed changes in Federal, State, and local laws and regulations that are needed to accomplish the purposes of this Act;

F. proposals to improve guidance and assistance provided Mississippi River States and political subdivisions and other entities regarding their compliance with applicable provisions of the Clean Water Act, the Safe Drinking Water Act, and related laws; and

G. such recommendations as the Commission may deem appropriate with respect to the above and to public access to and interpretation of the natural and cultural resources of the river and related outdoor recreation opportunities.

The Commission would be authorized to assemble a paid staff and to procure the services of experts and consultants on a temporary or intermittent basis under the rules of Title 5 of the United States Code. The Commission may also accept the services of personnel detailed to it from a Mississippi River State. Reimbursement of Commission members, who serve without pay, would be authorized under Title 5, also.

Mr. Chairman, one of the duties of this Commission, as clearly stated in S. 2612, is to consult with a variety of existing commissions, including the Mississippi River Parkway Commission, the Upper Mississippi River Basin Association, the Great River Road Association, the Lower Mississippi Delta Development Commission, and the Mississippi River Coordinating Commission. The Great River Road Association alone has spent nearly three-quarters of a billion dollars of Federal, State and local monies for road improvements, scenic and historic preservation, recreation trails and tourist information centers along the Great River Road.

The National Park Service, under the 1936 Park, Parkway and Recreation Area Study Act and other subsequent legislation, already has the authority to engage in surveys, inventories, and coordination activities with respect to out-

door recreation and resource conservation. From our standpoint this measure provides no additional authority in this area.

Mr. Chairman, we do not believe that it is possible or appropriate to implement S. 2612 as currently drafted. The scope of the assessment and planning required to be performed by the proposed Commission appears to be far too broad for such an entity. Such assessment and planning is already being done, and should continue to be performed, by many State and local governments and Federal agencies with jurisdiction over various aspects of the Mississippi River. Further, while such a commission could feasibly conduct a more limited review of options for enhancing the River's overall recreational potential, that kind of study has been done previously.

The Mississippi River corridor is over 2,000 miles long and incorporates innumerable historic, economic, environmental, recreational, scenic, cultural, and scientific resources. These resources are currently administered by several Federal agencies, 10 States, and hundreds of local governments. Yet the Commission would be required by S. 2612 to inventory all of these resources, and to assess the "preservation, protection, enhancement, enjoyment, and utilization potential" of every one.

In addition to producing an inventory and assessment of resources, the Commission would be expected to collect "information dealing with ongoing activities, management plans and opportunities regarding" all of these resources, and making this information available to "Federal agencies, States, political subdivisions of States, tribal governments, volunteer associations, and private businesses." Taken literally, this would amount to advising every entity along the River (including potentially thousands of businesses) regarding what every other entity is doing, or planning to do.

For a single, Federally sponsored entity to perform tasks of these magnitudes would require many years of effort at significant cost. This effort would duplicate, if not compete with, the ongoing process of assessing and making decisions about the Mississippi River's resources that is now carried out by State and local governments and Federal agencies. It is unlikely that a study performed by any single entity could substitute efficiently or effectively for the existing, decentralized process of planning for the River's resources.

Regarding the value of establishing the Commission to perform a more limited review of options for enhancing the Mississippi's recreational potential, we note that the National Park Service has previously conducted such studies of the River, notably a parkway study done in 1951 and a study of the Upper Mississippi River above St. Louis in 1971. Also, we believe the ongoing function of promoting the Mississippi's recreational values is already achieved by the existing Mississippi River Parkway Commission, which

was established in 1938, acting in concert with the other existing commissions and associations mentioned earlier.

Mr. Chairman, this concludes my prepared remarks on S. 2612. I would be happy to respond to your questions at this time.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.R. 2174, as reported.

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